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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,210

02/24/2005

Quishou Xu

007374.P001

3728

26530

7590

06/27/2006

LADAS & PARRY LLP  
224 SOUTH MICHIGAN AVENUE  
SUITE 1600  
CHICAGO, IL 60604

EXAMINER

PILKINGTON, JAMES

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/522,210	XU ET AL.	
	Examiner	Art Unit	
	James Pilkington	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/14/05 &amp; 5/16/05</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. TO 2002A000622 filed on July 16, 2002 in Italy, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The prior-filed application contains a figure that does not read on the claims of the instant application nor do the figures of the prior-filed application and the instant application match. This leaves the examiner questioning the validity of the claim to priority in the instant application. The examiner is respectfully requesting an English translation of document TO 2002A000622 to determine the validity of the claim to priority.

### ***Information Disclosure Statement***

2. The information disclosure statement filed January 14, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance (documents DE 19938461 A1 and FR 2771791), as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the

Art Unit: 3682

information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

The examiner would also like to draw attention to both IDS statements:

- Re IDS statement submitted on January 14, 2005 the document contains a "First Named Inventor" that is not present in the instant application.
- Re IDS statement submitted on May 16, 2005, although having the correct serial number and applicant name, the documents disclosed within do not appear relevant to the instant application, but have been accepted.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claims refer to character 34 as a bearing and the specification refers to character 34 as a bushing.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morr et al, USP 5,516,331, in view of Riu, USP 5,988,015.

Morr discloses an integrated pulley-torsional damper assembly including:

- A hub (made of 23", 2" and 19")

- A drive member (axis of drive member is at 1")
- A pulley (17")
- A first elastomeric ring (10")
- A inertia ring (15")
- A second elastomeric ring (16")
- An internal annular flange (23")
- An annular coupling portion (2"/19")
- A cavity (20")
- An outer tubular wall (19")
- A bearing/bushing (9")
- A peripheral crown (25")
- A flange (7")
- An outer annular portion (running from 7" to 8")
- An intermediate tubular wall (8")
- An inner annular flange (12")

Morr does not disclose a coupling flange provided with an inner annular wall bearing axially against said flange of said hub and with a peripheral annular edge.

Riu teaches a coupling flange (25/26) provided with an inner annular wall (26) bearing axially against said flange (36) of a hub (31) for the purpose of providing a covering for the elastic ring (C3/31-45).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Morr and provide a coupling flange with an inner

Art Unit: 3682

annular wall bearing axially against said flange of the hub, as taught by Riu, for the purpose of providing a covering for the elastic ring.

Re clm 2, Morr discloses the bearing/bushing (9") comprises integrally a tubular portion (9" is a tubular portion), radially set between said outer tubular wall (19") of said hub (23"-2"-19") and said intermediate tubular wall (8") of said pulley (17"), and a flange (24") axially set between said outer annular portion (running between 7" to 8") of said flange (7") of said pulley (17") and said outer tubular wall (19") of said hub (23"-2"-19").

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All cited prior art disclose different pulley arrangements.

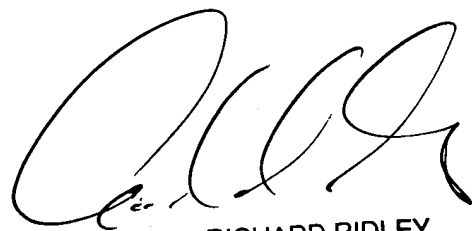
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/20/06

A handwritten signature in black ink, appearing to read 'R. Ridley', is positioned above the printed name and title.

RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER